

Before the
Federal Communications Commission
Washington, DC 20554

In the matter of)	
)	
Empowering Consumers to Prevent and Detect)	CG Docket No. 11-116
Billing for Unauthorized Charges (“Cramming”))	
)	
Consumer Information and Disclosure)	CG Docket No. 09-158
)	
Truth-in-Billing and Billing Format)	CC Docket No. 98-170

REPLY COMMENTS OF COX COMMUNICATIONS, INC.

Cox Communications, Inc. (“Cox”) hereby submits its reply comments in the above-referenced proceeding.¹ Cox supports the Commission’s efforts to protect consumers from unauthorized, fraudulent charges. Neither consumers nor legitimate service providers are served by the unscrupulous practices the Commission is seeking to curb. Cox does not allow “information” or “enhanced” service charges to be placed on its subscribers’ bills. The only third-party charges that Cox allows on customers’ telephone bills are for calls placed using 101xxxx dial-around, calls to/from operator services, and bill-to-alternate-number calls authorized through proper account validation. In that respect, Cox agrees with commenters who urge the Commission to avoid prohibiting or restricting valid third-party billing for those services, which are related to telephone service that consumers use in conjunction with their telephone service and expect to see on their bills, *e.g.*, dial-around long-distance calling, collect

¹ *In the Matter of Empowering Consumers to Prevent and Detect Billing for Unauthorized Charges (“Cramming”); Consumer Information and Disclosure; Truth in Billing and Billing Format*, Report and Order and Further Notice of Proposed Rulemaking, CG Docket No. 11-16 *et al.*, FCC 12-42 (rel. April 27, 2012) (the “April Order” or “Further Notice”).

calling, and other operator services.² Consumers who use such services generally are aware of the applicable charges and expect to be able to use such services without further restrictions such as an “opt-in” requirement. Altering these expectations would be disruptive for consumers and burdensome for providers.

Cox also agrees with commenters who urge the Commission to allow time to gauge the effect of the new cramming rules issued in April before proceeding with any additional rules at all.³ Those new rules, as well as recent commitments by the largest local exchange carriers to voluntarily eliminate third-party billing for so-called “enhanced” or “information” services, may dramatically reduce instances of cramming in the coming months.

I. Third-Party Billing for Charges Related to the Underlying Telephone Service is Expected by Consumers and should be Exempted From Any Cramming Rules

Subscribers expect to have access to third-party services that supplement the services that they receive directly from their primary local and interexchange service providers, and subscribers expect to be billed for the use of such services. These services include the capability to receive collect calls, the ability to authorize charges to an alternate number, and the ability to place outbound calls through a live operator or via a dial-around code.⁴ In order to ensure the validity of the third-party charges placed on its subscribers bills, Cox employs back-office proof-of-billing routines and additional procedural safeguards to screen for suspicious billing activity. Cox does not allow so-called “information” or “enhanced” service calls onto consumer bills.⁵

There is a clear need to exempt billing for such third-party services as collect calling from any additional cramming regulation the Commission may undertake now or in the future.

² Comments of Center for Media Justice, Consumer Action, Consumer Federation of America, Consumers Union, National Consumer Law Center (“Public Interest Commenters”), pp. 17-18; Comments of the Independent Telephone & Telecommunications Alliance (“ITTA Comments”), p. 6.

³ Comments of AT&T, p. 8.

⁴ Examples include collect calls and bill to alternate number call. Dial-around codes are often referred to as casual dialing, in which the customer physically dials a number to access an alternative long distance provider’s network.

⁵ For example, Cox does not allow third-party billing for chat lines, weather inquiries, or horoscope calls.

Subscribers have long accessed and expect to continue to access such operator services without complication. Additional requirements would cause consumer confusion and interfere with services that consumers expect and enjoy.⁶ Accordingly, Cox agrees with commenters who state that consumers would not be served by a blanket prohibition on third-party billing⁷ or the establishment of an “opt-in” requirement for third-party billing.⁸

Moreover, such services are used by consumers in a manner that entails a consumer’s affirmative consent for each use as a practical matter. For example, the use of dial-around codes and acceptance of collect calls explicitly indicates consumer willingness to incur charges for those services.⁹ Also, consumers generally use these services by dialing directly from their own telephones or by invoking proper account validation processes – *e.g.*, citing information specific to the customers’ accounts or affirmatively approving charges at the time the cost is incurred – thereby offering consent to incur charges for those services. The additional opt-in obligations contemplated by the *Further Notice* would only hamper a consumer’s ability to access the desired service.

II. The Commission Should Wait to See the Effects of its New Rules and Industry Commitments Before Adopting Any Additional Rules

While the Commission should exempt the services discussed above if additional rules are deemed necessary in the future, Cox also urges the Commission to hold off on creating *any* additional rules now and wait until there has been time to determine whether additional rules are needed.¹⁰ Cox expects the Commission’s new disclosure requirements in the *April Order* to have a beneficial effect on consumer awareness of unauthorized charges. Moreover, several

⁶ AT&T Comments, p. 3.

⁷ Public Interest Commenters, pp. 17-18 (“Such a prohibition should not apply to services that are related to the underlying telephone service, such as dial-1 and dial-around long distance calling services, collect calling, directory assistance, operator-assisted telephone calls and inmate calling services.”).

⁸ Comments of the Utah Attorney General, p. 1.

⁹ Comments of the Utah Attorney General, pp. 1-2; Comments of Verizon pp. 15-16.

¹⁰ See Comments of ITTA at 2-6.

III. Conclusion

Respectfully submitted,

By: /s/

Joi Philpott
Douglas Nelson
Cox Communications, Inc.
1400 Lake Hearn Drive
Atlanta, GA 30319

¹¹ Comments of AT&T, Verizon and CenturyLink.

¹² Comments of CenturyLink, pp. 3-5; Comments of AT&T, p. 2; Comments of Verizon, pp.12-18.

Certificate of Service

I, , certify that on this 20th day of July, 2012, I caused a copy of the foregoing Comments of Cox Communications, Inc. to be served on the following by hand delivery.

/s/